

PETROLEUM ACT AMENDMENT ACT

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Queensland



ANNO TRICESIMO NONO

ELIZABETHAE SECUNDAE REGINAE

No. 108 of 1990

An Act to amend the Petroleum Act 1923-1988 in certain
particulars and for another purpose

[ASSENTED TO 18TH DECEMBER, 1990]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title and citation. (1) This Act may be cited as the *Petroleum Act Amendment Act 1990*.

(2) In this Act the *Petroleum Act 1923-1988* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Petroleum Act 1923-1990*.

2. Commencement. Sections 3, 4, and 5 are to be taken to have commenced on 1 September 1990 and are to be given retrospective effect accordingly.

3. Renumbering of s. 9B to 9F. The Principal Act is amended by renumbering section 9B as section 9F.

4. New ss. 9B and 9C. The Principal Act is amended by inserting after section 9A the following sections:—

“9B. Variation of authority to prospect. The Minister may, pursuant to agreement with the holder of an authority to prospect, from time to time vary any condition, provision or stipulation as specified in the authority whereupon, until a further variation is duly made, the condition, provision or stipulation as so varied is taken to be the condition, provision or stipulation specified in the authority.

A copy of every variation is to be given to the holder of the authority.

9C. Renewal of authority to prospect. (1) Upon application of the holder of an authority to prospect made to the Minister at least 30 days (or such shorter period as the Minister in a particular case permits) prior to the expiration of the term of the authority current at the material time, the Minister may from time to time grant a renewal of the authority for such term and upon such rental, conditions, provisions and stipulations as the Minister determines.

(2) (a) Where an application for renewal of an authority to prospect is duly made by the holder but the application has not been disposed of by the Minister before the date on which the term of the authority then current would, but for this subsection, have expired (in this subsection called the “expiry date”) the authority, subject to this subsection, continues in force until the application is disposed of by the Minister, who may grant a renewal of it notwithstanding that the expiry date has passed.

(b) The provisions of this Act applicable to and in respect of the authority to prospect and the holder thereof apply to and in respect of the authority and its holder during the period the authority is continued in force under paragraph (a).”

5. New ss. 9D and 9E. The Principal Act is amended by inserting after section 9C the following sections:—

“9D. Surrender of authority to prospect. (1) The holder of an authority to prospect may at any time surrender the holder's interest in an authority to prospect or any part of the land comprising the authority to prospect but a surrender in respect of part of the land comprising an authority to prospect may only be surrendered if that part can be identified from the land comprising the balance of the authority to prospect by the same or similar means whereby the land comprising the authority to prospect is described and identified by the authority to prospect.

(2) Where an authority to prospect is surrendered in respect of part only of the land comprising the authority to prospect, the authority to prospect is to be amended by excising that part and otherwise as may be required to conform with this Act and the authority to prospect continues in respect of the balance of the area.

(3) In the case of a surrender of an authority to prospect (in part or in part) all adjustments between the Crown and the holder in respect of the payment of rental, fees or other moneys is at the discretion of the Minister who, for this purpose, may demand of the holder such sums as the Minister specifies and recover the same by action in the Wardens Court as a debt due to the Crown.

(4) Where the purpose of the holder's surrender of an interest in the whole or part of the land comprising an authority to prospect is to be granted a new authority to prospect over land that includes or is included in the authority to prospect or part surrendered, the holder may continue to carry on prospecting operations on or in the land included in the authority to prospect or part surrendered subject to and in accordance with the authority to prospect, as if that authority to prospect continued to relate to that land or part thereof until the application for a new authority to prospect is granted or refused by the Minister (whichever event is the first to occur) and in the event of the application being refused the surrender is to be taken to be void and the authority to prospect, which but for this provision would have been affected thereby, revives in respect of the authority to prospect or part purportedly surrendered and continues for the balance of its term then outstanding as if the surrender had never been effected.

9E. Cancellation of authority to prospect. If the holder of an authority to prospect fails to pay the rental or any other moneys payable thereunder or in respect thereof by the due date for payment or fails to comply with any stipulation or condition

specified in the authority and by the holder to be observed or performed, the Minister may, by writing directed to the holder, cancel the authority to prospect and upon receipt of the writing by the holder the authority terminates.”